



District of Columbia
Office of the State Superintendent of Education



Eligibility Determinations for Subsidized Child Care Policy Manual

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Table of Contents

Introduction	4
<u>Section 100 – General Provisions</u>	
100.1 – Role of the Office of the State Superintendent of Education.....	6
100.2 – Role of the Eligibility Staff.....	6
100.3 – Confidentiality of Information	6
100.4 – Non-Discriminatory Policy	6
100.5 – OSSE DEL Management Information System	7
100.6 – Case Record Requirements	7
<u>Section 200 – Eligibility for Subsidized Child Care</u>	
200.1 – Eligibility Requirements	9
200.2 – Eligibility Requirement: Age	9
200.3 – Eligibility Requirement: Legal Relationship	9
200.4 – Eligibility Requirement: Citizenship or Legal Status.....	10
200.5 – Eligibility Requirement: Residency	10
200.6 – Eligibility Requirement: Need for Subsidized Care.....	11
200.7 – Eligibility Requirement: Income Threshold.....	17
<u>Section 300 – Eligibility Determination and Placement Process</u>	
300.1 – Pre-Screening	22
300.2 – Intake Interview	22
300.3 – Supporting Documentation	24
300.4 – Denial of Application	32
300.5 – Placement	33
300.6 – Admission Form	34
<u>Section 400 – Family Co-Payment</u>	
400.1 – Co-Payment Requirements Based on Need	35
400.2 – Determination of Family Size	36
400.3 – Adjusted Annual Gross Family Income Determination.....	36
400.4 – Application of the Co-Payment Scale	37
400.5 – Co-Payment for Multiple Children	38
400.6 – Change in Co-Payment	38
400.7 – Payments to Providers.....	38
<u>Section 500 – Redetermination of Eligibility</u>	
500.1 – Eligibility Period	40
500.2 – Eligibility Redetermination: Documentation	43
500.3 – Eligibility Redetermination: TANF Parent	43
500.4 – Eligibility Redetermination: Graduated Phase Out	43
500.5 – Eligibility Redetermination: Applicant’s Failure to Respond	44

<u>Section 600 – Termination of Subsidized Child Care</u>	
600.1 – Reason for Termination.....	<u>46</u>
600.2 – Fraud	<u>46</u>
<u>Section 700 – Appeal and Administrative Hearings</u>	
700.1 – Availability of an Appeal/ Administrative Hearing.....	<u>49</u>
<u>Section 800 – Payments to Providers</u>	
800.1 – Payment	<u>53</u>
800.2 – Payroll Processing	<u>53</u>
800.3 – Payment Errors	<u>54</u>
800.4 – Overpayments	<u>55</u>
800.5 – Underpayments	<u>55</u>
800.6 – Responsibilities for Attendance Reporting and Payment	<u>55</u>
800.7 – Holidays	<u>56</u>
800.8 – Staff Development	<u>57</u>
800.9 – Snow and Inclement Weather Days	<u>57</u>
800.10 – Attendance	<u>57</u>
<u>Section 900 - Glossary of Key Terms</u>	<u>58</u>

Appendices

Appendix 1: Subsidized Child Care Case Record Requirements
Appendix 2: Record of Case Action Form
Appendix 3: Application for Subsidized Child Care Services
Appendix 4: Child Care Admission Form (Traditional and Non-Traditional)
Appendix 5: Child Care Referral Form
Appendix 6: Maximum Income Guidelines for Subsidized Child Care
Appendix 7: Calculation of Parent’s Income Form
Appendix 8: 2009 Sliding Fee Scale
Appendix 9: Parent Fee Change Form
Appendix 10: Eligibility Review Appointment Letter
Appendix 11: Notice of Termination of Child Care Services
Appendix 12: Payment Summary Error Report
Appendix 13: Eligibility Checklists

Introduction

The District of Columbia’s (DC) child care subsidy program, administered by DC’s Office of the State Superintendent of Education (OSSE), provides financial assistance to families with eligible children seeking access to child care while the parent(s) or guardian(s) work or attend job training or educational programs. While the original purpose of DC’s subsidized child care program was solely to assist eligible families with child care costs, DC has recently shifted the purpose of the subsidized child care program to ensuring stability of care arrangements for children, in alignment with national trends, by making key changes that promote continuity of care and family-friendly policies.

On November 19, 2014, President Obama signed the federal Child Care and Development Block Grant Act of 2014, effective November 19, 2014 (P.L. 113-16, 42. U.S.C. § 9858 *et seq.*) (CCDBG Act), reauthorizing the CCDBG Act for the first time since 1996. The new law made significant changes to the Child Care and Development Fund (CCDF) program, designed to promote children’s healthy development and safety, improve the quality of child care, and provide support for parents who are working or are in training or education. The CCDBG Act established the following priorities: increasing access to child care; reducing burden for families to obtain child care; and increasing access for special populations (including children experiencing homelessness, children with special needs, and families with very low income). Additionally, on September 30, 2016, the U.S. Health and Human Services Administration for Children and Families issued a Notification of Final Rulemaking to amend CCDF regulations, 45 C.F.R. Part 98, based on the changes to the CCDBG Act.

Upon passage of the significant federal legislation, OSSE conducted a comprehensive review of the 2009 Policy Manual and revised the guide to comply with the CCDBG Act, its implementing regulations and DC’s 2016-18 CCDF State Plan in September 2017. The District has continued to revise the eligibility policy to further meet the CCDBG Act priorities, as well as the DC 2019-2021 CCDF State Plan. All revisions and additions provided herein are effective September 30, 2018.

This manual, the “2018 Eligibility Determinations for Subsidized Child Care Policy Manual” (Policy Manual), is intended to help ensure consistent and accurate application and implementation of eligibility determination for children and their families by DC government agencies, including the Office of the State Superintendent of Education (OSSE)¹ and Department of Human Services Child Care Services Division (DHS CCSD), and authorized Level II child development facilities.

¹ Effective April 1, 2008, pursuant to the Public Education Reform Amendment Act of 2007 (D.C. Law 17-9, D.C. Code Section 38-2601, *et. seq.*) most of the functions of the DC Office of Early Childhood Education (ECE) were placed under OSSE. However, the Intake and Continuing Services Unit, Child Care Services Division, which completes eligibility determinations for the child care subsidy program, remained with the Department of Human Services (DHS). The Child Care Eligibility Monitors who were previously a part of the DHS CCSD under DHS remained with ECE under OSSE, along with other staff performing monitoring and quality control functions. Eligibility Monitors, along with other OSSE/DEL staff, will continue to interface with the DHS CCSD to ensure children and families continue to receive services.

An understanding of DC's child care delivery system is critical to ensure appropriate application of the variables in determining eligibility and certifying children for placement in child development facilities. Accordingly, this guide sets forth the procedures and framework for the:

- Roles and responsibilities of the DHS CCSD caseworker and the Level II Child Development Facility eligibility staff in determining initial and continuing eligibility;
- Identification of factors that constitute eligibility for subsidized child care;
- Identification of appropriate documentation for eligibility decisions;
- Placement of children in an appropriate child development facility;
- Determination of proper subsidized co-payment calculations;
- Redetermination of eligibility or termination of eligibility; and
- Payments made to child development facilities caring for eligible children.

Eligibility decisions are based on adherence to the following federal and local laws including, but not limited to:

- The CCDBG Act and the implementing regulations, 45 C.F.R. Part 98;
- The Day Care Policy Act of 1979, effective September 19, 1979 (D.C. Law 3-16, D.C. Official Code § 4-401 *et seq.*) (Day Care Act);
- District of Columbia's CCDF State Plan, current version;
- Chapter 2 of Title 5-A of the District of Columbia Municipal Regulations (5-A DCMR § 200 *et seq.*); and
- Any other relevant OSSE policy issuances.

SECTION 100 GENERAL PROVISIONS

100.1 ROLE OF THE OFFICE OF THE STATE SUPERINTENDENT OF EDUCATION

OSSE is designated as the lead agency in DC with primary responsibilities for the planning and administration of child care subsidies funded by CCDF.

100.2 ROLE OF ELIGIBILITY STAFF

Eligibility staff are the DHS CCSD staff or the Level II child development facility staff persons responsible for determining a family and child's eligibility for subsidized child care. The primary functions and responsibilities of the eligibility staff are to:

- (1) Determine initial eligibility and redetermine eligibility of families and children for subsidized child care services;
- (2) Assist with appropriate placement for eligible children; and
- (3) Determine the appropriate subsidy payment and parent(s) or guardian(s) co-payment.

All eligibility staff shall have basic knowledge about DC's subsidized child care program as presented in the Policy Manual, including, but not limited to: the application process, the eligibility factors, various program options and potential hours of operation, and fee determination process and schedule; and articulate these details to all prospective applicants.

In addition, all eligibility staff shall have knowledge of the requirements for each eligibility category in which a referral is needed from another office and articulate the steps for obtaining the referral to the applicant.

100.3 CONFIDENTIALITY OF INFORMATION

Any information related to a family or individual's participation in the child care subsidy program shall not be disclosed, shared or made available to any person, organization, or provider without the prior written consent of the participant(s) or applicant(s). Any such information will only be shared or disclosed in accordance with all confidentiality and privacy protections as afforded by all applicable federal and local laws.

100.4 NON-DISCRIMINATION POLICY

All services shall be provided to applicants without regard to (actual or perceived) race, color, religion, national origin, sex (including pregnancy), age, marital status, personal appearance, sexual orientation, gender identity or expression, familial status, family responsibilities, matriculation, political affiliation, disability, source of income, victim of

an intra-family offense, or place of residence or business (applies to housing and public accommodations).

100.5 OSSE DEL MANAGEMENT INFORMATION SYSTEM

OSSE DEL uses a management information system (MIS) to store data for all children in the child care subsidy program. Eligibility staff assigned to the case, whether in the DHS CCSD office or in a Level II child development center, shall use the MIS to set up a new applicant's case and is expected to maintain and update case information as needed for each child and family whose eligibility they determine throughout the period the family is eligible.

All Level II child development centers must be trained for use of the MIS prior to taking subsidized child care applications. The child care subsidy system computer modules relevant to eligibility determination are the Client Entry (Child Care Intake) module and the Child Care Assignment module. The following are some of the most important features of each module:

- The Client Entry module must be updated at every eligibility review or when any other changes are needed with a hard copy of the main intake and employment/training screens filed in the paper case folder.
- The Assignment module must be completed to allow for payment for a child and must be updated immediately when there is a change in assignment or termination. A hard copy of the assignment screen should be filed in the paper case folder.

In addition, eligibility staff shall monitor applicants to identify families with children in multiple sites. All cases with children in multiple sites shall be forwarded to the DHS CCSD office to centralize the records for the entire family and alleviate the need for families to travel to multiple sites for child care services. This will be the responsibility of the assigned eligibility staff member at DHS CCSD if the record is active at DHS CCSD. The DHS CCSD eligibility staff member must use a transmittal memorandum to document receipt of the case record from the Level II eligibility staff member with a copy given to the provider for their records.

100.6 CASE RECORD REQUIREMENTS

For each child receiving subsidized child care, eligibility staff shall establish and maintain both:

- (a) **MIS Case Record:** The eligibility staff shall set up the case record by entering all information from the application into OSSE DEL MIS at the time of the interview. If the applicant received services previously and is already in the database, the eligibility staff shall confirm that the database is up-to-date with current information; and

- (b) **Paper Case Record:** The paper case record shall meet the requirements set forth in *Appendix 1: Subsidized Child Care Case Record Requirements*. The paper case record shall be properly secured, available at all times, and is subject to review by OSSE eligibility monitors, DHS or OSSE DEL staff, or outside auditors.

SECTION 200 ELIGIBILITY FOR SUBSIDIZED CARE

OSSE maintains the final authority on eligibility for the child care subsidy program. The person making the determination of eligibility for subsidized child care may be an employee of a DC agency or a trained eligibility staff person at a Level II child development facility to which the responsibility has been delegated by OSSE. In either case, that person is responsible for applying the eligibility policies as set forth in this Policy Manual and in:

- The CCDBG Act and its implementing regulations (45 C.F.R. Part 98);
- DC's CCDF State Plan;
- The Day Care Act;
- 5-A DCMR § 200 *et seq.*; and
- Any other applicable OSSE policies.

Eligibility decisions by the DHS CCSD and Level II eligibility staff shall be subject to review by OSSE.

200.1 ELIGIBILITY REQUIREMENTS

In order to be eligible for subsidized child care in DC, a **child** shall, at the time of eligibility determination or redetermination:

- (a) Be under 13 years old, or under 19 years old if the child has special needs;
- (b) Reside with a parent(s), guardian(s), or adult with legal relationship to child;
- (c) Be a citizen or legal immigrant in the United States;
- (d) Be a resident of the District of Columbia;
- (e) Meet the requirements for one of the following categories of need:
 - (1) Resides with parent(s) who are **working or attending a job training or education program**;
 - (2) Resides with parent(s) who is **seeking employment or engaging in job search**;
or
 - (3) Receives, or need to receive, **protective services** or is considered a **vulnerable child**, as defined herein; and
- (f) Reside with a parent(s) or guardian(s) whose gross annual income does not exceed 250 percent of the federal poverty level or 85 percent of the DC Median Income based on family size.

200.2 ELIGIBILITY REQUIREMENT: IS THE CHILD THE APPROPRIATE AGE?

The eligibility staff shall verify that the child for whom care is sought is under thirteen (13) years old, or under nineteen (19) years old if a child has special needs.

200.3 ELIGIBILITY REQUIREMENT: DOES THE APPLICANT HAVE A VALID LEGAL RELATIONSHIP WITH THE CHILD FOR WHOM CARE IS SOUGHT?

The eligibility staff shall verify that the adult requesting child care has a valid legal relationship to the child(ren) (such as parent, guardian, custodian, foster parent, or TANF Payee).

The eligibility staff may accept the applicant's statement in regard to marital status. However, whenever this statement is contradicted either by documentation seen or by behavior observed, the applicant must be required to clarify and confirm status by providing additional proof of evidence.

200.4 ELIGIBILITY REQUIREMENT: IS THE CHILD A CITIZEN OR HAVE LEGAL IMMIGRATION STATUS?

The eligibility staff shall verify that each child considered for subsidized child care is a United States citizen or national of the United States, Puerto Rico, Guam, U.S. Virgin Islands, American Samoa or the Northern Mariana Islands or otherwise in the country legally.

Children for whom federal child care assistance is sought must meet citizenship criteria prior to being found eligible for such assistance. Applicants who cannot provide verification of the child's citizenship or immigration status are not eligible for subsidized child care. Only the citizenship and immigration status of the child is to be considered. A child's eligibility for subsidized child care shall not be based upon the citizenship or immigration status of their parent or the provision of any information about the citizenship or immigration status of their parent.

200.5 ELIGIBILITY REQUIREMENT: IS THE CHILD A RESIDENT OF THE DISTRICT OF COLUMBIA?

The eligibility staff shall verify the child is a resident of the District of Columbia, as defined herein and in accordance with the following:

- (a) **Child Experiencing Homelessness.** If an eligibility staff member identifies or an applicant indicates that the family, and therefore the child, is experiencing homelessness, then the family is given a 60 day grace period to provide residency documents. The eligibility staff at the Virginia Williams Resource Center completes OSSE's Child Care Referral Form (*Appendix 5*) as acceptable documentation until the records can be provided.
- (b) **Additional Residency Confirmation – Tax Deduction.** If an applicant submits a pay statement, the eligibility staff shall check each applicant's pay statement for tax deduction information. Each applicant for subsidized child care shall pay DC state taxes. The eligibility staff shall request additional documentation whenever tax deductions from Maryland, Virginia or another state are identified. The applicant must confirm DC taxes are being paid regardless of whether other residency documentation has been provided, by doing one of the following:

- (1) If making a new application, the applicant must have the corrected deductions before the child is approved for placement (within the 30 day timeline bring one pay statement showing DC tax);
 - (2) If a review of eligibility is being completed, the correction must be documented as requested within 15 days after the review appointment. The applicant must follow up by supplying a pay statement reflecting the change no later than 30 days after the review appointment; or
 - (3) If the applicant works outside DC and tax payment to the other jurisdiction is required by the employer, the applicant must supply written documentation from their employer which states that it is company policy, and that the company knows the person to be a DC resident. The parent must also provide the most recent tax return or W-2 to show that he/she is also paying DC taxes.
- (c) **Exceptions to the Residency Requirement.** The following children may reside outside of DC, however they shall be placed in a DC child development facility in order for a subsidy provider to be paid, with the exception of a relative care request, where the provider may reside in Maryland or Virginia:
- (1) **Foster Child.** A foster child may reside with a foster parent(s) or guardian(s) outside of the DC (in the metropolitan area) and still receive child care services;
 - (2) **Child under Protective Services.** A child under protection of the DC Child and Family Services Agency or the DC Superior Court, or living with a relative or guardian in Maryland, Virginia or another state; or
 - (3) **DC Ward.** A child under the protection of DC, but placed in Maryland, Virginia or another state by the DC agency. This ward may receive subsidized child care in DC up until the age of nineteen (19) years. *Note:* If the child(ren) of this applicant are not officially under protection, the family is not considered a Protective Services case for child care purposes. The applicant must qualify for child care based on another category, such as training or employment, and must be assessed for a co-payment if employed.

200.6 ELIGIBILITY REQUIREMENT: HAS THE APPLICANT DEMONSTRATED A NEED FOR SUBSIDIZED CHILD CARE?

- (a) An applicant shall demonstrate a need for subsidized child care. In order to meet this eligibility requirement, a child shall fall into ***one*** of the following need categories:

(1) Reside with parent(s) or guardian(s) who are working or attending a job training or education program.	<i>OR</i>	(2) Reside with parent(s) or guardian(s) who is seeking employment or engaging in job search	<i>OR</i>	(3) Receive, or need to receive, protective services, or be considered a vulnerable child, as defined herein.
This includes the following classifications: <ul style="list-style-type: none"> • Working • Job Training or Undergraduate Program • Participants in Food Stamp Employment/ Training Program; • TANF recipients; • TANF Payee; or • Teen or Young Adult Parent. 		This includes the following classifications: <ul style="list-style-type: none"> • TANF recipients; • TANF Payee; or • Verified Job Search. 		This includes the following classifications: <ul style="list-style-type: none"> • Children under Protective Services; • Children with special needs; • Children experiencing homelessness; • Children in foster care; • Children of Adults with Disabilities • Children of recipients of vocational rehabilitation services.

Whenever both parents/guardians reside in the household with the children, both parent(s) or guardians must qualify for the program. Each one (1) must be employed or meet one of the need categories above. The income of both parents/guardians must be combined. This is required regardless of whether or not they are legally married.

(b) The following tables describe the various classifications under each of the three need categories.

(1) A child shall reside with parent(s) or guardian(s) who are working or attending a job training or education program:

WORKING OR ATTENDING A JOB TRAINING OR EDUCATION PROGRAM			
Working Parent(s) or Guardian(s)	This group of applicants includes parent(s) and guardian(s) participating employed for a minimum of 20 hours per week. In a two parent(s) or guardian(s) household, both parent(s) or guardian(s) must work or participate in valid qualifying activity for a minimum for 20 hours per week. The timeframe that child care is requested and the parent(s) or guardian(s) work schedule must match.		
Job Training or Undergraduate Program	This group of applicants attends a training or undergraduate program for a minimum of 20 hours weekly. The applicant may also combine a training or undergraduate program with employment to meet the 20 hour weekly requirement.		
	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td data-bbox="418 1860 656 1892" style="width: 30%;"><i>Training</i></td> <td data-bbox="656 1860 1438 1892">The eligibility staff shall confirm the training program</td> </tr> </table>	<i>Training</i>	The eligibility staff shall confirm the training program
<i>Training</i>	The eligibility staff shall confirm the training program		

WORKING OR ATTENDING A JOB TRAINING OR EDUCATION PROGRAM		
		<p>meets the following requirements with an official at the training program. All details of any conversations, including the date and contact person, must be recorded in the case record. Valid training activities shall include preliminary training or job training.</p> <p>Preliminary Training. A basic training provided before job skills training, to enable the person to be employable. These include English as a Second Language courses for foreign-born adults and GED classes for adults. Children eligible for subsidized child care pursuant to this subsection may not be provided for longer than one year in this case.</p> <p>Job Training. Acceptable job training program shall:</p> <ol style="list-style-type: none"> (1) Provide instruction in specific job skills (i.e. computer operator or medical technician training); (2) Provide a job placement service that offers reasonable assurance that the applicant will be employed following successful completion of the program; and (3) Be limited to no more than two (2) years if training is non-degree program.
	<i>Undergraduate Program</i>	<p>A student attending either:</p> <ol style="list-style-type: none"> (1) A full-time undergraduate program with a minimum of twelve (12) credit hours per semester or six (6) credits hours for a summer session (continuing student only); or (2) A part-time undergraduate program with less than twelve (12) credit hours per semester while also employed. Each credit hour equals one (1) hour of work per week.
Participants in Food Stamp Employment/ Training Program	This group of applicants participates in a qualifying activity for a minimum of twenty (20) hours per week and receive Food Stamps but may not be receiving TANF benefits.	
TANF Recipients	This group of applicants includes TANF recipients participating in a qualifying activity for a minimum of 20 hours per week. The timeframe that child care is requested and the parent(s) or guardian(s) activity schedule must match. Only DHS CCSD Eligibility staff may place TANF recipients' children in child care.	

WORKING OR ATTENDING A JOB TRAINING OR EDUCATION PROGRAM	
TANF Payee	This group of applicants includes guardian(s) or custodian(s) who are providing care to child who is not their natural child, receiving financial assistance though ESA on behalf of the child and participating in a qualifying activity for a minimum of 20 hours per week. The timeframe that child care is requested and the guardian(s) or custodian(s)' activity must match.
Teen or Young Adult Parent	<p>This group of applicants includes teen or young adult parents, under the age of 26 years old, who are either: (1) enrolled and attend a middle school, high school, or an equivalent secondary program (e.g. GED program), or college; or (2) enrolled in verified job search, job training or work readiness program.</p> <p>Children eligible for subsidized child care pursuant to this subsection shall remain eligible during the summer if already provided during the school year regardless of school or work status. In addition, families eligible for subsidized child care pursuant to this subsection shall be provided a three (3) month grace period from the date of graduation before income requirements and any co-payment are applied.</p>

- (2) A child shall reside with parent(s) or guardian(s) who is seeking employment or engaging in job search:

SEEKING EMPLOYMENT OR ENGAGING IN JOB SEARCH	
TANF Recipients	This group of applicants includes TANF recipients participating in a qualifying activity for a minimum of 20 hours per week. The timeframe that child care is requested and the parent(s) or guardian(s) activity schedule must match. Only DHS CCSD Eligibility staff may place TANF recipients' children in child care.
TANF Payee	This group of applicants includes guardian(s) or custodian(s) who are providing care to child who is not their natural child, receiving financial assistance though ESA on behalf of the child and participating in a qualifying activity for a minimum of 20 hours per week. This guardian(s) or custodian(s). The timeframe that child care is requested and the guardian(s) or custodian(s)' activity must match.
Verified Job Search	This group of applicants includes parent(s) and guardian(s) engaging a valid job search, whether through DOES or another approved agency such as the TANF Employment Program, Food Stamp Employment Program (FSET), TANF Employment Provider (TEP), Office of Work Opportunity (OWO), or an Economic Services Administration (ESA) approved job search or work experience program.

- (3) A child shall receive, or need to receive, protective services, or be considered a vulnerable child, as defined herein:

RECEIVE, OR NEED TO RECEIVE, PROTECTIVE SERVICES, OR ARE CONSIDERED A VULNERABLE CHILD.	
Children under Protective Services	<p>This group of applicants includes parent(s) or guardian(s) of children who are under the active supervision of CFSA Child Protective Services division or under the active supervision of the Family Division of the DC Superior Court due to abuse or neglect. The child may be living in the natural parent’s home or with a third party.</p> <p>Children eligible for subsidized child care pursuant to this subsection are waived of the following eligibility requirements:</p> <ul style="list-style-type: none"> (1) Participate in a qualifying activity (e.g. training or employment); (2) Income threshold requirements in Section 200.7. The eligibility staff shall not calculate income to determine eligibility or co-payment.
Children with special needs	<p>This group of applicants includes families with a child under the age of 19 who has a condition or characteristics that reflect a need for particular care, services or treatment, most commonly physical and/or mental disabilities and/or delays and is evidence by an IFSP or IEP.</p> <p>Children eligible for child care pursuant to this subsection are:</p> <ul style="list-style-type: none"> (1) Waived of the requirements to participate in a qualifying activity (e.g. training or employment); and (2) Required to meet the income threshold requirements in Section 200.7.
Children Experiencing Homelessness	<p>This group of applicants represents children who are experiencing homelessness, as defined herein. Children eligible for subsidized child care pursuant to this subsection are waived of the following eligibility requirements:</p> <ul style="list-style-type: none"> (1) Participate in a qualifying activity (e.g. training or employment); (2) Income threshold requirements in Section 200.7. eligibility staff shall not calculate income to determine eligibility or co-payment. <p>Upon initial eligibility determination, children eligible for subsidized child care pursuant to this subsection shall be permitted to enroll in the subsidized child care placement prior to completion of all required documentation and are provided a sixty (60) calendar day grace period in which to provide full documentation of eligibility. Provided the eligibility staff has established the child is experiencing homelessness and the eligibility worker has completed OSSE’s Child Care Referral Form (<i>Appendix 5</i>) as acceptable documentation until the records can be provided, the child shall receive, and the provider shall be paid for, subsidized child care during the grace period. If, after full documentation is provided, the child experiencing homelessness is found to be ineligible, subsidized child care services shall be terminated pursuant to Section 600.</p>

**RECEIVE, OR NEED TO RECEIVE, PROTECTIVE SERVICES,
OR ARE CONSIDERED A VULNERABLE CHILD.**

Children in Foster Care	<p>This group of applicants includes children who are wards of DC with a foster parent participating in a qualifying activity for a minimum of 20 hours per week, or receiving some form of verifiable income.</p> <p>Children eligible for subsidized child care pursuant to this subsection are waived of the following eligibility requirements:</p> <ol style="list-style-type: none"> (1) Residence in the DC; and (2) Income threshold requirements in Section 200.7. The eligibility staff shall not calculate income to determine eligibility or co-payment. <p>Adoptive parents (transitioning from guardianship status) are included in this group but must meet residency requirements. A three (3) month grace period is allowed from the date of adoption before income requirements and any co-payment are applied.</p>
Children of Adults with Disabilities	<p>This group of applicants represents adults with a disability for whom child care is sought. The adult’s disability may be either physical or mental in nature. The standard for eligibility determination is that the disability prevents the adult from providing adequate care for the child due to the debilitating aspects of the condition or because the adult has frequent medical appointments.</p>
Children of recipients of vocational rehabilitation services	<p>This group of applicants is parents/guardians engaged in an approved vocational rehabilitation program. The Rehabilitation Services Administration (RSA), Department on Disability Services (DDS) provides a variety of support services to enable disabled adults to prepare for, receive and maintain employment or improve life skills.</p>

(c) **Priority:** Priority groups have been established for purposes of continuing to enroll children if a waiting list is in effect and for giving first opportunity for placement if there are more applicants than available funds. The implementing regulations of the CCDBG Act, 45 C.F.R. § 98.46, require that the District of Columbia shall give priority for subsidized child care services to:

- (1) Children of families with very low family income;
- (2) Children with special needs, including vulnerable children; and
- (3) Children experiencing homelessness.

Accordingly, the priority and non-priority groups in the DC are:

Priority Groups	Non-Priority Groups
<p>(1) Children of families with very low family income, which includes the following groups:</p> <ul style="list-style-type: none"> • Participants in the Food Stamp Employment/Training Program • TANF recipients • TANF Payee; • Working parent(s) or guardian(s) • Parent(s) or guardian(s) in job training or undergraduate programs • Parent(s) or guardian(s) in job search • Teen Parent(s) <p>(2) Children with special needs, and vulnerable children which includes the following groups:</p> <ul style="list-style-type: none"> • Children in foster care • Children under Protective Services • Children of Adults with Disabilities • Children of recipients of vocational rehabilitation services <p>(3) Children experiencing homelessness.</p>	<p>(1) Children of families with income above one-hundred and thirty percent (130%) of the FPL.</p>

200.7 ELIGIBILITY REQUIREMENT: DOES THE FAMILY’S INCOME EXCEED THE MAXIMUM INCOME THRESHOLD?

In order to be eligible for subsidized care, the child shall reside with a family whose:

- (1) Annual gross family income does not exceed two hundred and fifty percent (250%) of the federal poverty guideline (FPL) or eighty five percent (85%) of the DC median income (SMI) for a family of the same size, whichever is lower, as provided in *Appendix 6: Maximum Income Guidelines for Subsidized Child Care*; and
- (2) Family assets do not exceed \$1,000,000.²

In order to determine if an applicant is income eligible, the eligibility staff shall first determine the family size; and second determine the family’s gross annual income.

- (a) **Determining Family Size:** Family size is the number of family members living in the same household, which shall:

² Families who left the program for other reasons may also reapply and be considered if the gross annual income is below 85% of the most current SMI. Previous participation must be verified through OSSE DEL MIS. *See* Section 500.4 of this Policy Manual.

- (1) Include parents requesting child care services including:
 - (A) Biological parents;
 - (B) Adoptive parents;
 - (C) Stepparents, even if the stepparent has not legally adopted the children; or
 - (D) Adult(s) standing in loco parentis for children under age 18 because they have assumed the responsibility for the day-to-day care and supervision of the child; and
 - (2) Include all the parents' dependent children under age 18 or up to 21 years of age if still attending school and school attendance is verified, including:
 - (A) Both an adult's natural children and other children for whom that adult is a guardian; or
 - (B) Foster children;
 - (3) Not include the following:
 - (A) Other children who live at the same address but are dependent on another adult; or
 - (B) Any other adults, such as grandparent(s), aunts or uncles.
 - (4) Any child for whom legal relationship documentation has not been provided may not receive subsidized child care nor be countable as a dependent. (See acceptable documentation in Section 300).
- (b) **Determining Annual Gross Family Income:** The eligibility staff shall then determine the gross annual family income, taking into account any allowable deductions or irregular fluctuations in earning, and ensuring that temporary increases in income, including temporary increases that result in monthly income exceeding eighty five percent (85%) of the DC median income (SMI) do not affect eligibility or parent share of cost. The exact amount of annual gross family income is compiled from all sources of income expected to be included as discussed below:
- (1) **Countable Income (Included).** Countable income is the portion of the annual gross family income of the family that includes:

- (A) Gross salaries or wages of one or both parent(s) or guardian(s), including regularly received commissions, tips, and overtime (see discussion below);
 - (B) Net income from self-employment (business expenses shall be deducted from gross receipts);
 - (C) Other income of parent(s) or guardian(s) such as Social Security and Veterans Benefits;
 - (D) Income of children receiving subsidized care such as child support or Social Security Income;
 - (E) Unemployment Compensation;
 - (F) Workers Compensation;
 - (G) Alimony; and
 - (H) The portion of an educational grant that is specifically designated for living expenses
- (2) **Seasonal Employment.** If applicants are employed by a school system, their income would be based on a 10 month calculation.
- (3) **Irregular Fluctuations.** Temporary increases in income shall not affect eligibility or family co-payments, including monthly income fluctuations that show temporary increases, which if considered in isolation, may incorrectly indicate that a family is above the threshold of 85 percent of SMI, when in actuality their annual income remains at or below the maximum income level allowable based on family size as provided in *Appendix 6: Maximum Income Guidelines for Subsidized Child Care*. In these situations, an eligibility staff may seek further documentation such as an earnings statement that is most representative of the family's income rather than the most recent statement.
- (4) **Overtime.** Overtime is countable as part of the applicant's income if it is worked on a regular basis. As a general rule, if at least one (1) of the two (2) pay statements presented reflect overtime, the salary must be calculated to include the overtime by adding the total gross family income for the two (2) pay statements and finding the average [dividing by two (2)], then converting to an annual figure. However, if the applicant declares that overtime is not regularly worked, the applicant is given the opportunity to provide proof through documentation set forth in Section 300.

- (5) **Exempt Income.** The following income ***shall not*** be included in determining gross annual family income:
- (A) TANF benefits;
 - (B) Supplemental Security Income (S.S.I.);
 - (C) Lump sum child support payments;
 - (D) In-kind income - something of value other than cash, (i.e. food stamps, free medical care or free or subsidized rent);
 - (E) Low Income Energy Assistance;
 - (F) Gifts;
 - (G) Loans and grants for scholarships that do not allow their use for living costs;
 - (H) Income of others in the household who do not have financial responsibility for the child;
 - (I) Tax Refunds;
 - (J) Subsidized adoption and foster care payments;
 - (K) Stipends (such as for work experience programs);
 - (L) Lump sum inheritance or insurance payments;
 - (M) Capital gains; and
 - (N) Assets such as real estate, bank accounts savings, stocks and bonds.

- (6) **Income Computation.** Income shall be computed using the annual gross family income total arrived at by adding up all sources that can be countable and multiplying by the applicable number of pay periods. All income is converted to a yearly figure. Figures are multiplied as follows:

Amount Per Pay Period		# of Pay Periods				Annual Amount
Weekly pay	x	52	Weeks	=	\$	_____
Bi-weekly pay	x	26	Weeks	=	\$	_____
Bi-monthly pay (twice monthly)	x	24	Weeks	=	\$	_____
Monthly pay	x	12	Months	=	\$	_____

Seasonal employees (10 month employment) should be calculated as follows:

Amount Per Pay Period		# of Pay Periods				Annual Amount
Weekly pay	x	44	Weeks	=	\$	_____
Bi-weekly pay	x	22	Weeks	=	\$	_____
Bi-monthly pay (twice monthly)	x	20	Weeks	=	\$	_____
Monthly pay	x	10	Months	=	\$	_____

See Appendix 7: Calculation of Parent's Income Form which is used in determining calculation of parent(s) or guardian(s) income.

SECTION 300 ELIGIBILITY DETERMINATION AND PLACEMENT PROCESS

The process to determine a child's eligibility for subsidized care in DC shall include: (1) a pre-screening; (2) an intake interview; and (3) submission of supporting documentation.³

Children experiencing homelessness, under TANF, Child Protective Services, the Foster Care system, the DC Court system or the Rehabilitation Services Agency shall only apply through DHS CCSD, not at a Level II child development facility.

Once a child is determined as eligible to receive subsidized care in DC, the eligibility staff shall: (1) determine placement; and (2) issue an admission form to the parent(s) or guardian(s).

300.1 PRE-SCREENING

The eligibility staff shall pre-screen all prospective applicants for potential eligibility. Factors discussed must include the following:

- (a) The application process;
- (b) An outline of the six conditions of eligibility: a child's age, a valid legal relationship to the child; a child's status as a citizen or legal immigrant, residency in the District of Columbia, need, and gross annual income does not exceed the maximum income for subsidized care;
- (c) Family's need for care, including time, type, and any special needs; and
- (d) What information and verification are necessary to determine eligibility, including required supporting documentation necessary to complete an application and a government issued photo identification.

The eligibility staff shall schedule an appointment for intake for any applicant wishing to pursue an application for eligibility determination.

300.2 INTAKE INTERVIEW

The eligibility staff shall conduct a personal interview with the applicant at intake and with the recipient at redetermination of eligibility, accordingly:

³ A DHS supervisor or manager must review and verify eligibility for any DHS staff requesting eligibility determination through DHS/CCSD.

- (a) The eligibility staff shall ensure assistance is provided as needed for reading or interpreting all information during the application process including understanding that parent(s) or guardian(s) signature is considered as certification that all information provided is correct and accurate under penalty of law.
- (b) The eligibility staff shall allot a minimum of forty five (45) minutes for the initial interview.
- (c) During the interview, the eligibility staff shall:
 - (1) Explain DC's subsidized child care program, eligibility requirements and the applicant's rights and responsibilities as listed on the *Application for Subsidized Child Care Services* in *Appendix 3*;
 - (2) Verify the applicant's identity by reviewing their government issued photo identification, which may include a DC driver's license or a passport. But note, eligibility staff shall accept an application from a representative of a parent or guardian who is physically unable to come to the office when accompanied by a letter authorizing a different signatory. The application is expected to be completely filled out and must be signed by the parent(s) or guardian(s) with all the necessary supporting documentation attached;
 - (3) Explain that the application is not complete until the application form is filled out and all supporting documents have been received as required;
 - (4) Ensure the *Application for Subsidized Child Care Services* in *Appendix 3* is completed, signed and dated;
 - (5) Review documentation submitted by the applicant, which includes but is not limited to, resolving any issues related to unclear or incomplete information, and authenticating all documents received during the visit;
 - (6) Record key eligibility factors in the MIS;
 - (7) Place a copy of all documentation in the paper case record;
 - (8) Provide a copy of all relevant application documents to the parent(s) or guardian(s) for their records;
 - (9) Inform the applicant of the types of child care available; and
 - (10) Discuss the needs of the family including:
 - (A) The type of child care needed (i.e. center based, family home, relative home, or in-home);

- (B) When child care is needed (i.e. full-day, before and after school, non-traditional hours including nights and weekends); and
 - (C) Possible special needs or special health care needs of the child.
- (d) Exceptions to the interview requirement are made when referrals for which all transactions may be handled by the referring staff member. These include applicants under the foster care, child protective services programs and TANF recipients.

300.3 SUPPORTING DOCUMENTATION

- (a) In addition to the supporting documentation below, the parent(s) or guardian(s) shall provide a valid government issued photo identification, which may include a DC driver’s license or a passport, to the eligibility staff to verify the applicant’s identity.
- (b) The eligibility staff shall collect the supporting documentation to establish the applicant’s eligibility factors. The eligibility staff shall review all required documents closely to ensure they are authentic and that they match the applicant’s verbal statements and application. Unless otherwise noted, all eligibility documents shall be submitted and signed by the applicant and approved by the eligibility staff before a child is placed in a subsidized slot. All documentation must be original documents or a copy certified by the issuing agency unless an exception is noted. Acceptable supporting documentation for each eligibility factor is provided in the table below:

	Eligibility Factor	Acceptable Documentation
(1)	Child’s Age	Acceptable documents for verification of a child’s age includes one of the following: <ul style="list-style-type: none"> (1) A full size original birth certificate. The birth certificate must include the name of the parent(s) or guardian(s) requesting services; (2) A birth certificate in a non-English language with a certified translation; or (3) Hospital record of birth, only for an infant under six (6) months old signed by a licensed physician or licensed health care practitioner. The official birth certificate must be supplied within 30 days of the date of application.
(2)	Legal Relationship	Acceptable documents for verification of the legal relationship between a child and the parent(s) or guardian(s) includes one of the following: <ul style="list-style-type: none"> (1) A full size original birth certificate. The birth certificate must include the name of the parent(s) or guardian(s) requesting services;

	Eligibility Factor	Acceptable Documentation
		<ul style="list-style-type: none"> (2) A birth certificate in a non-English language with a certified translation; (3) Hospital record of birth, only for an infant under six (6) months old signed by a licensed physician or licensed health care practitioner. The official birth certificate must be supplied within 30 days of the date of application; (4) Current and valid Adoption or Custody Order with a finalization date, issued by a court. If not a final order, the most recent order that is currently in effect. Custody may not be established simply by a parent(s) or guardian(s) preparing a notarized letter turning over the care of a child to another person; (5) A referral from an authorized DC government agency or its vendor that verifies relationship has been established (such as a referral from the DC Superior Court, Family Division, the Economic Securities Administration (ESA), the Child and Family Services Agency or from one of the agencies' vendors); or (6) Documentation from a federal or DC entity proving the applicant's relationship to the child, including receiving benefits on behalf of the child (such as an admission form from DHS, documentation of payment from TANF including child's name on the statement, a letter verifying Social Security, Veterans' Benefits, child support, or any other benefit received by the applicant on behalf of a child). For documentation that is more than 30 days old, the applicant must also supply a copy of the current benefit check. <i>See Appendix 5: Child Care Referral Form.</i>
(3)	Citizen or Legal Status	<p>Acceptable documents for verification of a child's citizenship or legal status includes one of the following:</p> <ul style="list-style-type: none"> (1) Birth certificate showing that the child was born in the United States or to parents holding U.S. citizenship; (2) Lawful Permanent Residency Document (formerly known as the "green card"); (3) Immigration and Naturalization Service (INS) documentation or other official identification verifying the child's citizenship or immigration status; (4) A visa such as the H-2 visa allowing presence in this country for the time period during which child care is to be provided; (5) Form I-94 to show entry as a refugee; (6) Form I-94 showing grant of asylum; (7) Order from an Immigration Judge showing deportation withheld; (8) Form I-94 showing admission under conditional entry;

	Eligibility Factor	Acceptable Documentation
		<p>(9) An approved or pending petition of a battered spouse or child; or</p> <p>(10) A formal referral from one of the following sources: (A) Temporary Assistance for Needy Families (TANF); (B) Food Stamp Employment/Training Program;</p>
(4)	Residency	<p>The eligibility staff shall confirm that all documentation validating residence is in the applicant's name; is an original document and, if applicable, dated no more than 30 days prior to the date eligibility is being established. Acceptable documents for verification of DC residency includes one of the following:</p> <ol style="list-style-type: none"> (1) Current official rent receipt on the company form or letterhead including the name of the applicant, current address, name of the landlord or rental agency, and date of receipt (no more than 30 days old); (2) Evidence of home ownership such as a mortgage payment statement including the applicants name and current address (no more than 30 days old); (3) Lease, mortgage, or housing subsidy document showing applicant's name and address (no more than 30 days old); (4) Original utility bill (residential telephone, gas, electric, water or sewer bill) showing applicant's name and current address (no more than 30 days old). Cellular telephone bills are not accepted. Cable bills are unacceptable unless the home telephone service is included on the bill; (5) A notarized letter with original seal (indentation) signed by the landlord, homeowner, or person with whom the applicant resides stating that the applicant and children (include names) live with the writer at the stated address. The notarized letter must be dated within 30 days of the eligibility determination date and must be accompanied by two other current, original pieces of mail dated within 30 days and showing the applicant's name and address. One pay stub with current address may be included among these supporting documents; (6) E-bills for utilities (telephone, electric, water, sewer or gas) showing applicant name and current address along with two pieces of mail as described directly above; (7) Referrals no more than 30 days old from an authorized DC agency such as the Child and Family Services Agency (Foster Care or Child Protective Services), DC Superior Court, or the TANF program; (8) Documentation no more than 30 days old that the applicant is currently receiving TANF, Food Stamp or Medicaid benefits; <p>or</p>

	Eligibility Factor	Acceptable Documentation
		(9) A pay stub showing a DC address and DC withholding taxes issued in the last thirty (30) days.
(5)	Need Classification	
	<i>Working parent</i>	<p>Acceptable documentation for verification of employment includes one of the following:</p> <ol style="list-style-type: none"> (1) Two (2) most recent consecutive pay statements verifying employment including the name of the employee, social security number (or employee identification number or its equivalent), the number of hours worked, wages and salary information for the pay period on the statement. At least one statement must be dated no more than 30 days prior to the date of application/eligibility determination; (2) An original letter from the employer on business letterhead with company name identified. The supervisor or manager must sign and date the letter. The letter must include the applicant’s full name and address, start date of employment, gross wages or salary, work schedule (hours and days). The letter must be dated no more than 30 days prior to the date of application/eligibility determination. A letter is acceptable only in a case where pay statement is not normally given such as in domestic employment. A letter is also acceptable for an employee in a new job. The new employee must submit an original pay statement within 30 days of the application and must submit one (1) more pay statements to complete the requirement for two (2) original pay statements. A letter is also acceptable for documentation of leave pursuant to the District of Columbia Family Medical Leave Act of 1990, effective October 3, 1990 (D.C. Law 8-181; D.C. Official Code §§ 32-501 <i>et seq.</i>); (3) Referral from ESA or one of its vendors who provide training and placement; (4) Confirmation of job search or job training from DOES, TANF Employment Program, Food Stamp Employment Training (FSET), TANF Employment Provider (TEP), Office of Work Opportunity (OWO), or an ESA-approved job search or work experience program; or (5) Self-Employment records: Self-employed persons must supply the same documents maintained for income and tax purposes, including but not limited to: <ol style="list-style-type: none"> (A) Valid DC business license; (B) Daily log record (manifest) of an operator of a public vehicle-for-hire for a minimum of four (4) weeks; (C) Barber and cosmetology license, records of booth rental and equipment lease or appointment schedules and daily sales records with recent dates; or

Eligibility Factor	Acceptable Documentation
	(D) Street Vendor’s license, record of supply purchases and daily sales, and rental equipment receipts with recent dates.
<i>Job training</i>	Acceptable documentation for verification of participation in a training program includes a letter from the training program identifying the student by name that confirms the applicant’s current attendance and progress/status in the program (no more than 30 days old).
<i>Education program</i>	Acceptable documentation for verification of participation in an undergraduate program includes one of the following: <ul style="list-style-type: none"> (1) A schedule of classes from the registrar identifying the student and indicating registration has been paid; (2) A student identification card with a valid semester sticker or symbol for the current semester; or (3) A receipt from the college stamped “paid” for the current semester.
<i>Participants in Food Stamp Employment/ Training Program</i>	Acceptable documentation for verification of participation in Food Stamp Employment/Training Program includes one of the following: <ul style="list-style-type: none"> (1) A referral from the ESA verifying Food Stamp status (referral doubles as documentation for residency and relationship) <i>See Appendix 5: Child Care Referral Form</i>; or (2) Verification of employment (refer to working parent(s) or guardian(s) verification requirements).
<i>TANF Recipient</i>	Acceptable documentation for verification of receipt of TANF benefits includes one of the following: <ul style="list-style-type: none"> (1) A current pay statement verifying employment; (2) Referral from ESA or one of its vendors who provide training and placement; (3) Confirmation of job search or job training from DOES; (4) Confirmation of work experience program from ESA; or (5) Effective October 1, 2016, evidence of successful completion and approval of the applicant’s Individual Responsibility Plan. The Individual Responsibility Plan (IRP) is defined as “a written agreement developed jointly by the applicant and DHS or a DHS Provider that acts as the applicant’s roadmap to securing employment and becoming self-sufficient. The IRP outlines specific steps that the customer agrees and commits to take in order to address and remove barriers, and find and retain employment.

Eligibility Factor	Acceptable Documentation
<i>TANF Payee</i>	<p>Acceptable documentation for verification of receipt of TANF Payee benefits includes documentation of receipt of the TANF check for the child, including the child's name on the statement; and one of the following:</p> <ol style="list-style-type: none"> (1) A current pay statement verifying employment; or (2) Confirmation of job search or job training from DOES, TANF Employment Program, Food Stamp Employment Training (FSET), TANF Employment Provider (TEP), Office of Work Opportunity (OWO), or an ESA-approved job search or work experience program.
<i>Teen or Young Adult Parent</i>	<p>Acceptable documentation for verification of enrollment and attendance includes one of the following:</p> <ol style="list-style-type: none"> (1) Written documentation of enrollment including student's name, address, social security number or student ID number with date of enrollment; or (2) A printout of the student's class schedule if application is during the start of a new school year or a letter from a school official if application taken any other time of the school year. Documentation must include the student's name, address, social security number or student ID number signed and dated by an appropriate official. Teen or young adult parent(s) who submit an application for subsidized child care in the summer or in beginning of the school year have thirty (30) days from the date of the application to submit documentation for proof of attendance.
<i>Children under Protective Services</i>	<p>Acceptable documentation for verification of the receipt of protective services includes one of the following:</p> <ol style="list-style-type: none"> (1) Referral from either a Foster Care worker or a CFSA vendor. <i>See Appendix 5: Child Care Referral Form</i>; or (2) Referral via memorandum from the child's case worker.
<i>Children with special needs</i>	<p>Acceptable documentation for verification of classification as child with special needs includes one of the following:</p> <ol style="list-style-type: none"> (1) A copy of the child's Individualized Education Plan (IEP) or Individualized Family Service Plan (IFSP) that is no more than one (1) year old; (2) A copy of the 504 Accommodation Plan, no more than one (1) year old; (3) A referral from DC's Early Intervention Program (DC EIP) identifying eligibility for early intervention services; (4) A copy of the results of a standardized assessment instrument, a developmental inventory or behavioral checklist confirming disability; (5) Written documentation from a certified/licensed therapist

	Eligibility Factor	Acceptable Documentation
		certifying disability; (6) Written documentation from a valid intervention program the child is attending certifying disability or special health care need; or (7) Written documentation from a licensed health practitioner certifying disability or special health care need.
	<i>Children Experiencing Homelessness</i>	Acceptable documentation for verification of homelessness includes OSSE’s Child Care Referral Form, completed by the eligibility worker at the Virginia Williams Resource Center. <i>See Appendix 5.</i>
	<i>Children in Foster Care</i>	Acceptable documentation for verification of foster care includes one of the following documents: (1) A current pay statement verifying employment; (2) Confirmation of job search or job training from DOES, TANF Employment Program, Food Stamp Employment Training (FSET), TANF Employment Provider (TEP), Office of Work Opportunity (OWO), or an ESA approved job search or work experience program; or (3) Documentation the applicant receives at the time of application some form of verifiable income, including Social Security benefits, Veterans’ benefits, or disability benefits. Income received exclusively for participating in the foster care program shall not count toward the form of verifiable income required in this subsection.
	<i>Children of Adults with Disabilities</i>	Acceptable documentation for verification of classification as an adult with disabilities includes one of the following: (1) A physician’s written statement on official letterhead that specifically recommends child care for the adult with the disability; or (2) A referral from the Developmental Disabilities Administration (DDA), Department on Disability Services (DDS) substantiating the effects of the adult’s condition on daily functioning in connection to the child.
	<i>Children of Recipients of vocational rehabilitation services</i>	Acceptable documentation for verification of classification as a recipient of vocational rehabilitation services includes one of the following: (1) A referral from RSA via letter or memorandum; or (2) A referral from RSA utilizing the standard Child Care Referral form.
(6)	Income Threshold	Acceptable documentation to verify income, includes any of the following:

Eligibility Factor	Acceptable Documentation
	<p>(1) Two (2) most recent consecutive pay statements verifying employment including the name of the employee, social security number (or employee identification number or its equivalent), the number of hours worked, wages and salary information for the pay period on the statement. At least one statement must be dated no more than 30 days prior to the date of application/eligibility determination;</p> <p>(2) An original letter from the employer on business letterhead with company name identified. The supervisor or manager must sign and date the letter. The letter must include the applicant's full name and address, start date of employment, gross wages or salary, work schedule (hours and days). The letter must be dated no more than 30 days prior to the date of application/eligibility determination. A letter is acceptable only in a case where pay statement is not normally given such as in domestic employment. A letter is also acceptable for an employee in a new job. The new employee must submit an original pay statement within 30 days of the application and must submit one (1) more pay statements to complete the requirement for two (2) original pay statements. A letter is acceptable for documentation of leave pursuant to the District of Columbia Family Medical Leave Act of 1990, effective October 3, 1990 (D.C. Law 8-181; D.C. Official Code §§ 32-501 et seq.);</p> <p>(3) Payment receipts for services rendered where the type of employment may not generate an earnings statement or pay stub, such as but not limited to restaurant server, cosmetologist, or an operator of a public vehicle-for-hire.</p>
<i>Overtime</i>	<p>Acceptable documentation to verify that overtime is not regularly worked, includes any of the following:</p> <p>(1) Two (2) or more additional pay statements provided from the preceding three (3) months. If they document several pay periods without overtime, the salary shall be computed without overtime hours;</p> <p>(2) A letter from the employer may be provided to specify the applicant's projected overtime schedule (i.e. whether it is seasonal or otherwise temporary) in which case overtime shall not be countable; or</p> <p>(3) The year-to-date salary may be used to project the applicant's annual pay and thus help to determine whether calculations are correct.</p>
<i>Deductions</i>	<p>Acceptable documentation of the expenses that may be deducted for children with special needs include:</p>

	Eligibility Factor	Acceptable Documentation
		(1) Monthly statements reflecting cited expenses; (2) Insurance claims indicating covered medical expenses and reimbursed amounts; or (3) If expenses are listed as income tax deductions, a certified copy of the previous year's DC D-40 income tax statement is acceptable.

- (c) The eligibility staff shall inform applicants they have (30) days from the date the applicant submits the Application to secure and submit all supporting documentation. If the required documentation has not been provided after (30) days, the application shall be null and void.

300.4 DENIAL OF APPLICATION

- (a) The eligibility staff shall deny approval of an application when:
- (1) The applicant does not satisfy the eligibility requirements for relationship, the child's citizenship or immigration status, residency, need and/or income;
 - (2) The applicant has failed to provide all required documentation for the establishment of eligibility within 30 days of the date of the application;
 - (3) The applicant's information is found to be false; or
 - (4) Funds are not available for placement for a family in a non-priority category. In this case, the applicant's name may be added to a waiting list.
- (b) When the application for subsidized care is denied, the eligibility staff shall give written notice on the application, including:
- (1) The decision;
 - (2) The basis for the decision, including legal citations where appropriate;
 - (3) Explanation of the applicant's right to an Administrative Hearing; and
 - (4) The eligibility staff member's signature and the date.

The eligibility staff shall provide information and referral services pertaining to other government and community programs and services to address other needs of the applicant. This may include DC's 311 information service.

The case record for a denied or voided application, including any documentation related to the case, must be maintained for ninety (90) days in case the applicant appeals the decision. Copies of all documents must be secured in the file before the termination notice is given.

300.5 PLACEMENT

When a child and family has been determined to meet all eligibility criteria, the eligibility staff must then work with the family to determine what type of child care arrangement best meets the needs of the child and family. The circumstances that justify the need for child care services and the plan of care must be documented in the case record.

- (a) **Parent(s) or Guardian(s) Choice:** The eligibility staff must assure parent(s) or guardian(s) choice by explaining the various placement options, which include licensed child care centers, licensed home providers, and relative and in-home care. The applicant may also consult with OSSE DEL's Child Care Resource and Referral Service for provider information.

Applicants requesting subsidized placement in care centers and licensed child care homes must select from the providers that have agreements with OSSE. The parent(s) or guardian(s) shall be encouraged to visit the selected facility before the child placement occurs.

- (b) **Placement at a Level II Child Development Facility:** For a Level II placement selection, if there is an age appropriate vacancy at that particular center, the eligibility staff shall provide the applicant with the facility's parent(s) or guardian(s) manual and explain the program's policies, such as hours of operation and parent(s) or guardian(s) responsibilities.

- (c) **Placement in Relative or In-Home Care:** The DHS CCSD eligibility staff member shall only permit the use of in-home care as a last resort, when the applicant has made attempts to enroll the child(ren) at three (3) separate licensed facilities. An exception may be made by the eligibility staff for any applicant who works non-traditional hours for which in-home care is the only possible child care arrangement. The reason for in-home care must be documented in the case file.

The eligibility staff member shall complete the eligibility determination process and then notify OSSE DEL of the need for a formal agreement as a result of in-home care placement. OSSE DEL is then responsible for ensuring a signed formal agreement is executed with the proposed provider for relative or in-home care arrangements.

A relative child care home provider may reside in the neighboring jurisdiction of Maryland or Virginia.

- (d) **Placement Changes:** Eligibility staff shall permit a change in placement after a written statement is received from the applicant explaining the reason for the requested transfer.

300.6 ADMISSION FORM

When a family has been determined to meet all eligibility criteria and placement has been made, the eligibility staff shall issue an admission form to the parent(s) or guardian(s) with instructions to have it completed by the provider and returned to the DHS CCSD in order for the provider to be paid for child care services. *See Appendix 4: Child Care Admission Form.* The provider must enter the date the child started at the facility and sign and date the form. The provider shall return the admission form via email to the Intake and Continuing Services Unit, DHS CCSD within 24 hours after the child is enrolled at the facility.

SECTION 400 FAMILY CO-PAYMENT

The eligibility staff must determine what, if any, contribution the applicant will be expected to make toward the cost of care. Co-payments are made by the parent(s) or guardian(s), unless exempted below, toward the cost of child care services. These payments are assessed for each child and are paid directly to the provider.

In order to determine the co-payment, the eligibility staff shall (1) determine if the applicant is exempt from co-payment; (2) if not exempt, determine the family size; and (2) determine the family's gross annual income.

400.1 CO-PAYMENT REQUIREMENTS BASED ON NEED ELIGIBILITY CATEGORY

The eligibility staff must first identify the need eligibility category to be used for the applicant. Some categories will exempt the applicant from any payment while others require consideration of annual adjusted gross family income to determine the co-payment.

- (a) Applicants exempt from co-payment include:
 - (1) TANF recipients in countable activities other than employment;
 - (2) TANF payees in countable activities;
 - (3) TANF parent(s) or guardian(s) with physical or mental, disabilities;
 - (4) Unemployed parent(s) or guardian(s) receiving vocational rehabilitation services;
 - (5) Children receiving Child Protective Services;
 - (6) Children in foster care;
 - (7) Children experiencing homelessness;
 - (8) Teen or young adult parent(s) in junior and senior high school; and

- (9) Working parents/guardians or benefit recipients with income levels falling below 50% of the FPL.

- (b) The eligibility staff shall allow adoptive parent(s) or guardian(s) (foster parent(s) who finalizes an adoption) three (3) months with no co-payment from the effective date of adoption before beginning co-payments if payment requirement has been established. Adoption subsidy funding shall not be used as part of the countable income.

- (c) The eligibility staff shall consider the possibility of a co-payment for the following eligibility categories:
 - (1) Participants in the Food Stamp employment/training program;
 - (2) Adoptive parents [after three (3) months grace period];
 - (3) Children with disabilities;
 - (4) Working parent(s) or guardian(s);
 - (5) Recipient of vocational rehabilitation services; or
 - (6) Parent(s) or guardian(s) in structured job search, undergraduate program or training.

400.2 DETERMINATION OF FAMILY SIZE

The eligibility staff shall determine the number of family members to be considered in the family size using the guidelines set forth in Section 200.7(a).

400.3 ADJUSTED ANNUAL GROSS FAMILY INCOME DETERMINATION

The adjusted annual gross family income is the basis for determining co-payment. The adjusted annual gross family income is determined by subtracting applicable deductions from the annual gross family income, accordingly:

- (a) The eligibility staff shall determine the annual gross family income using the guidelines set forth in Section 200.7(b).

- (b) From the annual gross family income, the eligibility staff shall consider the following three (3) possible deductions before arriving at the adjusted annual gross family income:
- (1) The costs of child care services or after school fees for any sibling of the child(ren) to be placed for whom the parent(s) or guardian(s) pays the full cost of a private child care during the applicant's scope of work hours. Documentation from the caretaker must be provided. **This does not apply to fees paid for a child in another DEL subsidized program.** It also does not apply to private school tuition paid by the applicant.
 - (2) Child support payments made by one (1) of the parent(s) or guardian(s) in the same household as the eligible child to support child(ren) in another household. Proof of the deduction is required (evidence of withdrawal directly from the paycheck or evidence of regular payments based on a court order or agreement).
 - (3) Deductions related to children with disabilities including Supplemental Security income (SSI); medical or therapeutic expenses for the child (i.e. medical bills, therapy costs paid by the family, medication costs, braces or other appliances); assistive technology device costs and/or disability related transportation costs. All expenses require verification through the monthly statement identifying paid expenses.

400.4 APPLICATION OF THE CO-PAYMENT SCALE (SLIDING FEE SCALE)

The eligibility staff shall use the adjusted annual gross family income and family size to determine the applicable amount of the co-payment using the Co-Payment Scale. *See Appendix 8: 2009 Sliding Fee Scale* or 5A DCMR Chapter 2. The eligibility staff shall apply the co-payment scale accordingly:

- (a) The line with salary that either matches or is the next largest amount on the scale for the adjusted annual gross family income must be matched with family size to determine level of co-payment.
- (b) A family size of one (1) would apply to a child in a guardianship situation where the fee is based solely on the child's income.
- (c) The co-payment scale is based only on income and family size. It is not based on type of placement (i.e. child care center, family child care home).
- (d) The co-payment scale features columns for full-time and part-time enrollment (first child-youngest and second child-older). There is no additional co-payment required when there are more than two (2) children.

- (e) The eligibility staff shall consider the impact of any non-traditional child care options which may result in a child being authorized for more than one type of care (for example, “full day” plus “non-traditional part-time”). Care may be provided at the same facility or at different facilities. In either case, the parent(s) or guardian(s) will pay only one fee, based on the chart, for any one child. Application of the fee will apply to the service with the largest number of hours only (in this example, the “full day” placement). No fee will be assigned to the second placement.

400.5 CO-PAYMENT FOR MULTIPLE CHILDREN

The eligibility staff shall consider applying the co-payment to the two (2) youngest children receiving subsidy when there are multiple children in one family.

400.6 CHANGE IN CO-PAYMENT

The eligibility staff shall monitor any change in parent(s) or guardian(s) status throughout the period of eligibility to ensure the co-payment is correct at all times. Co-payments may not be increased during a twelve (12) month eligibility period. However, redeterminations to decrease co-payment may be necessary in any one of the following instances:

- (a) Change in qualifying activity;
- (b) Change in income (decrease); or
- (c) Change in family size (increase).

The eligibility staff shall complete an analysis/computation to determine if the co-payment fee will decrease. If there is a decrease in co-payment, the *Parent Fee Change (Appendix 9)* must be completed and signed by the parent(s) or guardian(s).

400.7 PAYMENTS TO PROVIDERS

- (a) The details for responsibility of co-payment by the family are based solely on the agreement between the provider and family and must be in accordance with the written payment policy of the provider. Receipts shall be given to the parent(s) or guardian(s) by the provider for all co-payments received. The child care facility may terminate a child’s placement, following two (2) weeks’ notice, when payment is in arrears (payment has not been made).

- (b) DC shall not be responsible for the collection of the parent(s) or guardian(s) fee or co-payment.
- (c) If a child's placement is terminated due to failure to pay co-payment, the eligibility staff shall determine if a redetermination of co-payment is necessary, as set forth in Section 400.6.
- (d) DC's responsibility to serve eligible families requires new placement for a child even when the family owes money to a previous provider.

SECTION 500 REDETERMINATION OF ELIGIBILITY

Redetermination of a child's eligibility for the DC's child care subsidy program shall be completed by the eligibility staff no sooner than 12 months following the initial determination or most recent redetermination. The due date for each review is entered in OSSE DEL MIS during the initial visit and again with each redetermination appointment. The eligibility staff will be expected to monitor the MIS and retrieve this information routinely to inform parent(s) or guardian(s) of the need for review, the details for scheduling an appointment and the documents required.

The DHS CCSD shall maintain responsibility for cases where children are placed in more than one facility, even if one or more of the facilities is a Level II provider. The Level II eligibility staff shall re-determine eligibility for all other children enrolled in their Level II slots.

500.1 ELIGIBILITY PERIOD

Once a child is determined as eligible for receiving child care subsidy assistance, the family or individual will be considered to meet all eligibility requirements for such assistance and will receive assistance for not less than 12 months before re-determining eligibility.

- (a) A child shall remain eligible for the DC's child care subsidy program throughout the 12 month eligibility period regardless of:
 - (1) **A change in gross annual family income**, if the gross annual family income does not exceed 300% of the Federal Poverty Level or 85 percent of the State median income for a family of the same size;
 - (2) **Parental Leave**. For applicants already receiving child care services, child care may be continued during a parent(s) or guardian(s)' period of parental leave, for not less than 12 months from the last date the applicant was determined as eligible for receiving child care subsidy assistance. The applicant's income will determine whether the applicant pays a fee during parental leave. Child care for parental leave is not provided to a new applicant.
 - (3) **A temporary change**, as defined herein, in the child's parent(s) or guardian(s) ongoing status.
 - (4) A change in the child's age, including turning 13 during the eligibility period; and
 - (5) Any change in residency *within* the District of Columbia.

- (b) **Unscheduled Redeterminations.** A child’s eligibility for the DC’s child care subsidy program shall be re-determined during the 12 month eligibility period in the following situations:
- (1) Any change in residency outside of the District of Columbia;
 - (2) Non-temporary change, as defined herein; or
 - (3) A change in income, if the family’s income exceeds 85 percent of the State median income for a family of the same size.
- (c) Applicants shall report any of the changes leading to an unscheduled redetermination to their eligibility staff within ten (10) calendar days of the change.
- (d) Applicants are not required to unduly disrupt their education, training, or employment in order to complete the eligibility redetermination process.
- (e) Eligibility staff are responsible for following up on any information that comes to their attention that may have a bearing on a child’s eligibility for services. An eligibility review may be requested by the agency at any time when a change of status is reported or suspected. If eligibility is affected, necessary action is expected to be taken promptly after written notice is given. An eligibility review may also be scheduled early if a request for a placement change or other change is made. Once the “off schedule” review is completed, the next review date shall be adjusted to occur in 12 months’ time.

The table below provides examples of the impact of temporary and non-temporary changes on a child’s eligibility and also reviews other potential eligibility scenarios. **The situations demonstrated in the table are just examples and shall not be used as a basis for eligibility determinations.**

Non-Temporary and Temporary Change Scenarios	
<i>If:</i>	<i>Then:</i>
Parent is absent from work for two weeks to care for sick grandma.	This is a temporary change. Child remains eligible through the end of the twelve (12) month eligibility period.
Parent is absent from work for three weeks to care for sick child.	This is a temporary change. Child remains eligible through the end of the twelve (12) month eligibility period.
Parent is a custodian at an elementary school and the school is closed for the summer.	This is a temporary change. Child remains eligible through the end of the twelve (12) month eligibility period.
Parent is a UDC student and not attending classes during the summer break.	This is a temporary change. Child remains eligible through the end of the twelve (12) month eligibility period.

Non-Temporary and Temporary Change Scenarios (continued)	
<i>If:</i>	<i>Then:</i>
Parent is participating in a training program and the program is on a break for two weeks during the holidays.	This is a temporary change. Child remains eligible through the end of the twelve (12) month eligibility period.
Parent was working 20 hours week at Home Depot but his/her hours were cut to 15 hours a week.	This is a temporary change. Child remains eligible through the end of the twelve (12) month eligibility period.
Parent lost job 90 days ago and is no longer working.	This is a non-temporary change. Child is no longer eligible. Termination Letter issued on 91 st day without job. Child may continue to receive subsidy for 90 days from the date the Termination Letter was issued.
Parent's training program ended 90 days ago and parent has not secured a new job or entered a training program.	This is a non-temporary change. Child is no longer eligible. Termination Letter issued on 91 st day that parent is not participating in training program. Child continues to receive subsidy for 90 days from the date the Termination Letter was issued.
Parent lost job 60 days ago and got a new job.	This is a temporary change. Child remains eligible through the end of the twelve (12) month eligibility period.
Parent receives a small raise and is now making more money than they were making at the eligibility determination but income does not exceed 300 percent of the Federal Poverty Level (FPL).	Child remains eligible through the end of the twelve (12) month eligibility period.
Parent receives a large raise and income exceeds 300 percent FPL.	Child is no longer eligible. Termination Letter shall be issued but child continues to receive subsidy for 90 days from the date the Termination Letter was issued.
Child turned 13 years old during the eligibility period.	Child remains eligible through the end of the twelve (12) month eligibility period.
Family moves from 12 th St. NE to 5 th St. NW.	Child remains eligible through the end of the twelve (12) month eligibility period.
Family moves from 12 th St. NE to Suitland, MD.	Child is no longer eligible. Termination is immediate.
Parent has a baby. Parent is on parental leave for 16 weeks.	Child remains eligible through the end of the twelve (12) month eligibility period.
Parents adopt a baby. Parent is on parental leave for 16 weeks.	Child remains eligible through the end of the twelve (12) month eligibility period.

500.2 ELIGIBILITY REDETERMINATION: DOCUMENTATION

- (a) The eligibility staff will determine what documents are required to verify the family and child's eligibility using as their basis the reason for eligibility. The eligibility staff shall ensure a letter is sent to the parent(s) or guardian(s) that requests written documentation to update the case file, which may include, but is not limited to, documentation set forth in Section 300.3. *See Appendix 10: Eligibility Review Appointment.*
- (b) All documents shall be submitted by the applicant and approved by the eligibility staff no more than five (5) working days after the date of the redetermination interview. A request for additional time must be based on extenuating circumstances and must be approved in writing by the DHS CCSD Program Manager or Supervisor or by the Director of the Level II child development facility, and may not exceed fifteen (15) business days. Failure of the parent(s) or guardian(s) to supply all required eligibility information will result in termination of the child care subsidy.

500.3 ELIGIBILITY REDETERMINATION: TANF PARENT

If a TANF parent is determined as non-compliant with the work participation requirements set forth in the TANF parent's IRP and the TANF parent has failed to comply the work participation requirements within the timeframe set forth by the DHS TANF policies, then the child's continued eligibility must be based on an eligibility category other than "TANF recipients in countable activities."

500.4 ELIGIBILITY REDETERMINATION: GRADUATED PHASE OUT

New applicants are eligible for subsidized child care if such applicant(s) can document an adjusted annual gross family income up to 250 percent of the Federal Poverty Level (FPL). Families who are classified as being over the income threshold at the end of the twelve (12) month eligibility period are to be considered eligible up to 85 percent of the current SMI whichever is lower, as provided in *Appendix 6: Maximum Income Guidelines for Subsidized Child Care.*

Any family already designated as eligible for subsidized child care and receiving such services whose income reaches 85 percent of the current SMI shall continue to receive subsidized care for no more than three (3) months. At the end of the three (3) month period of continued assistance, if the gross annual family income is below 85% of the most current SMI, assistance cannot be terminated and the child shall continue receiving assistance until the next scheduled redetermination.

Families who left the program for other reasons may also reapply and be considered if the gross annual family income is below 85% of the most current SMI. Previous participation must be verified through OSSE DEL MIS.

500.5 ELIGIBILITY REDETERMINATION: APPLICANT'S FAILURE TO RESPOND

It is the eligibility staff's responsibility to follow through promptly on the steps below to assure that ineligible children do not remain in the subsidy program.

- (a) The eligibility staff shall make every effort to alert the applicant of the need for re-determination of eligibility. Required steps include:
 - (1) Adequate prior written notice of appointment to the applicant.
 - (2) Inclusion of a warning in the letter regarding the consequences for failure to respond or if the appointment is missed without notice to the worker (i.e. termination of the subsidy effective the day following the appointment date).
 - (3) Forwarding of a copy of the letter to the child care facility.
 - (4) Attempts by the eligibility staff to contact the applicant by telephone at home, work or training, and through message at the child care facility to ensure the applicant is aware that a re-certification is due.
 - (5) An alert call to the provider if there is no response to attempts to contact prior to close of business the day of the missed appointment with the eligibility staff instructing the child care facility to not allow entry of the child the following day and asking that the parent(s) or guardian(s) be given a message to call the eligibility staff immediately.
 - (6) Termination of the child if the parent(s) or guardian(s) fails to contact the eligibility staff within three (3) days if no response to the request to contact the worker.
 - (7) Contact by the eligibility staff with the provider via telephone and a letter faxed to the provider regarding the immediate termination of the child.
 - (8) Mailing of a copy of the letter to the provider and the family.
- (b) The eligibility staff shall provide written notice and allow the applicant 15 calendar days from the redetermination appointment to secure required documents

if needed before termination is final. The eligibility staff shall explain next steps shall the parent(s) or guardian(s) fail to comply with the document request.

- (c) The eligibility staff shall provide written notice and allow the applicant fifteen (15) calendar days before termination is final when the parent(s) or guardian(s) is found ineligible to allow time for an appeal of the eligibility decision. The eligibility staff shall explain next steps shall the parent(s) or guardian(s) fail to timely request an appeal of the decision.

SECTION 600 TERMINATION OF SUBSIDIZED CHILD CARE

600.1 REASONS FOR TERMINATION

During a twelve (12) month eligibility period, subsidized child care services shall be terminated by the eligibility staff as a result on any of the following circumstances:

- (a) Eligibility requirements, as set forth in 500.1(b), are no longer met;
- (b) The applicant is no longer a resident of the District of Columbia. Termination of child care shall be immediate, unless a hearing request is filed.
- (c) The applicant has failed to complete an eligibility review, including providing the required supporting documentation, in a timely manner;
- (d) An applicant has been found through investigation to have committed child care fraud. Termination of child care may be immediate, unless a hearing request is filed; and
- (e) A parent, guardian, or child is exhibiting violent, combative, or disruptive behavior that caused or attempted to cause bodily injury, or threatened serious bodily injury to another person, unless in self-defense. Termination of child care may be immediate.

The DHS CCSD or the Level II eligibility staff shall give prior written notice of the proposed termination from subsidized care for all instances of termination with the exception of those that require immediate termination. Notice shall be given ninety (90) calendar days prior to the date of termination. For cases in DHS CCSD, a copy shall be sent to the provider, as well. The notice shall include the effective date, the reason for the termination and an explanation of the parent(s) or guardian(s)' right to appeal the decision. A copy of this letter shall be kept on file and the termination date shall be entered into the database. If the applicant complies with all requirements within the stated time frame, the termination shall be voided prior to the date of termination. If the case belongs to DHS CCSD, the provider will be sent a void termination notice. *See Appendix 11: Notice of Termination of Child Care Services.*

600.2 FRAUD

Fraud is defined as an offense committed by any person who obtains or attempts to obtain, or aids or abets any person, who pursuant to a scheme to deceive, knowingly falsifies, conceals or covers up a material fact or makes or uses any false statement,

writing or document to obtain a benefit or payment to which the parent or provider would otherwise not be entitled. Overpayments are considered intentional if the parent or provider knowingly withheld or provided false information on matters affecting eligibility, benefits or a claim for services. A failure to disclose a material fact that results in obtaining or continuing to receive child care subsidy funds or services for which the parent or provider is not entitled. Recipient fraud includes the following (this list is not all inclusive):

- (a) With intent to deceive, withholding information regarding eligibility factors such as gross annual family income, number of family members, ages of family members, or the recipient's hours of employment or training;
- (b) Knowingly using child care services for an ineligible child; or
- (c) Intentionally failing to report any changes which would affect the child's eligibility for child care benefits.

All suspected cases of fraud must be referred to OSSE DEL immediately. If OSSE DEL determines that fraud has occurred, further action may be taken such as collection from the parent(s) or guardian(s) of funds improperly spent on child care or referral to the Office of the Attorney General for possible criminal prosecution.

Please forward all cases of suspected fraud to:

The Office of the State Superintendent of Education
Division of Early Learning
Attention: Operations and Grants Management Unit
810 First Street NE, 9th Floor
Washington, DC 20002

You may also report fraud by phone or email to OSSE through email or phone:
Email: OSSE.ChildcareComplaints@dc.gov
Complaint and Unusual Incidents Hotline: (202) 727-2993

Information to include:

Your information will be helpful if you can include the details of who, what, when, where, and how.

Who is involved? Report as much of the following information you have about the person, or people, you are calling about. Provide the full name, date of birth, and address or place of subject. Describe relationships between people involved. Who else knows this is happening, or is a witness?

What do you believe is the actual fraud, what did the person/people do? Describe exactly what is happening. What documentation or evidence do you have, or do you know exists?

When did this last occur? Provide date/time. Was this a one-time incident or is it an ongoing situation? Will this happen again in the future?

Where is the activity taking place? If possible, give details, names of stores, addresses of residences.

How is this happening? How did you come to find out about it?

An applicant whose fraudulent behavior has been confirmed through investigation may be permanently barred from receiving child care subsidy services through the DC's subsidy program.

SECTION 700 APPEAL/ADMINISTRATIVE HEARING

700.1 AVAILABILITY OF AN APPEAL/ADMINISTRATIVE HEARING

The availability of an appeal process is a requirement of the CCBDG Act to ensure that: the applicant or recipient's right to subsidized child care is determined promptly in accordance with applicable laws and regulations; placements are suitable for the child; and that any co-payment computation is accurate.

- (a) Every applicant or recipient has the right to appeal a decision made by the DHS CCSD eligibility staff or Level II eligibility staff as a result of any adverse action, including:
 - (1) Denial of application;
 - (2) Termination of services;
 - (3) Dispute over the amount of the co-payment; or
 - (4) The applicant's record of payment.

- (b) The DHS CCSD eligibility staff or Level II eligibility staff must inform the applicant or recipient of:
 - (1) Their right to appeal any decision;
 - (2) The process for requesting an Administrative Hearing (previously known as a Fair Hearing) and the action steps that must be taken if requested;
 - (3) The requirement for the appeal to be in writing and filed (i.e. received) within 15 calendar days of the adverse decision;
 - (4) The availability of the eligibility staff to assist any applicant who conveys orally the desire to appeal a decision, in writing the appeal if requested. The applicant must sign the appeal request after review and approval;

- (5) The freeze on service provision if the case is in the application stage until an appeal decision is rendered;
 - (6) The continuation of existing services with a timely request (within 15 calendar days of notification of the adverse action) until a decision is rendered;
 - (7) The possible discontinuation of services when the behavior of the parent(s) or guardian(s) or child creates a severe disruption to the child care program or a physical threat to the staff, children, or others. In this case the provider is not required to have further contact with the family;
 - (8) The scheduling of a hearing by the Office of Administrative Hearings;
 - (9) The possibility of the need for additional documentation by the Hearing Officer;
 - (10) The expected completion of the process by the Hearing Officer within 60 days after the date of receipt of the original request;
 - (11) The finality of the decision made by the Administrative Hearing Officer; and
 - (12) Receipt of the decision by the Hearing Officer in writing to all parties.
- (c) The following steps must be taken by DHS CCSD eligibility staff to ensure an appropriate response to the Hearing request:
- (1) The written appeal shall be submitted directly to the Office of Administrative Hearings, 441 4th Street, N.W., Suite 450 North, Washington, D.C. 20001.
 - (2) The Office of Administrative Hearings has responsibility for scheduling the hearing and notifying the participants, sending a copy of the notice to the CCSD via the Department of Human Services chain of command and to OSSE's Office of the General Counsel.
 - (3) First Level of Resolution Attempt - The Intake Supervisor or Program Manager for a DHS CCSD adverse action appeal is expected to offer a face to face meeting with the applicant in an attempt to mediate the dispute prior to the date of the Administrative Hearing. If the issue is resolved to the

applicant's satisfaction, a written, signed statement to that effect must be obtained from the applicant and forwarded to the Office of Administrative Hearings, so that the hearing may be cancelled.

- (4) Second level of Resolution Attempt - If the issue is unresolved, an Administrative Review at the departmental level in the Department of Human Services is expected to be offered to the applicant as part of the ongoing attempt to resolve the issue. If the applicant does not attend the Review or the issue is still not resolved, the Administrative Hearing will continue as originally scheduled.
 - (5) Third level of Resolution Attempt – When administrative review fails to resolve the issues, the Administrative Hearing is expected to proceed. The DHS CCSD eligibility staff responsible for the disputed decision is expected to participate along with supervisory staff in the hearing.
- (d) The following steps must be taken by Level II eligibility staff to ensure an appropriate response to the Hearing request:
- (1) The written appeal shall be submitted directly to the Office of Administrative Hearings, 441 4th Street, N.W., Suite 450 North, Washington, D.C. 20001.
 - (2) The Office of Administrative Hearings has responsibility for scheduling the hearing and notifying the participants, sending a copy of the notice to OSSE's Office of the General Counsel.
 - (3) First Level of Resolution Attempt - OSSE DEL Director of Operations and Management is expected to offer a face to face meeting with the applicant in an attempt to mediate the dispute prior to the date of the Administrative Hearing. If the issue is resolved to the applicant's satisfaction, a written, signed statement to that effect must be obtained from the applicant and forwarded to the Office of Administrative Hearings, so that the hearing may be cancelled.
 - (4) Second level of Resolution Attempt - If the issue is unresolved, an Administrative Review at the departmental level in OSSE DEL is expected to be offered to the applicant as part of the ongoing attempt to resolve the issue. If the applicant does not attend the Review or the issue is still not resolved, the Administrative Hearing will continue as originally scheduled.

- (5) Third level of Resolution Attempt – When administrative review fails to resolve the issues, the Administrative Hearing is expected to proceed. The Level II eligibility staff responsible for the disputed decision is expected to participate along with OSSE DEL supervisory staff in the hearing.

- (e) The applicant has the following rights during the hearing process:
 - (1) To be represented by legal counsel or by a lay person who is not an employee of the DC; and
 - (2) To bring witnesses on their behalf.

SECTION 800 PAYMENT TO PROVIDERS

800.1 PAYMENT

The child care providers in the subsidy program receive a payment from the DC once per month and a co-payment, when assessed, from the parent(s) or guardian(s). The rate paid by the DC shall not exceed the daily rate paid by non-subsidized (private) children at that facility. Child care providers are paid a daily rate based upon the child's age and the service being provided under the various full-time and part-time categories, traditional or non-traditional hours and according to the provider's tier level. Payment is made for each child enrolled and for each day a child remains enrolled. The payment is made after receipt and verification of monthly traditional attendance is submitted to the OSSE Attendance Tracking System (OATS) or non-traditional attendance is submitted via the paper attendance forms and is due each month. This form is used to identify each child's daily participation in child care and is due each month by the fifth (5th) business day for services rendered the previous month. All supporting documentation shall be included with the attendance form submission. Payment can be expected by the end of each month when the attendance report is submitted timely.

DC makes payment pursuant to the execution of a Provider Agreement with each provider which includes identification of the types of services provided by that provider. Checks are processed by the Office of the Chief Financial Officer (OCFO). Providers are expected to review and reconcile monthly the pay statement against the attendance form submitted to the OSSE to ensure the accuracy of each payment.

Level I providers shall receive a subsidy payment that is the difference between OSSE DEL daily contract cost of care and the assigned co-payment.

Level II providers shall receive the full OSSE DEL daily contract rate to compensate the provider for the additional responsibility, time and costs incurred related to determining eligibility.

DC is not responsible to recover any monies that are owed to a Provider by the parent(s) or guardian(s).

800.2 PAYROLL PROCESSING

The payroll is drawn from the OSSE DEL MIS (database), in which children are assigned to specific providers. DHS CCSD Eligibility staff are responsible for assignment in the computer of each child whose placement has been authorized by DHS CCSD, once the completed admission slip has returned. The Level II eligibility staff must enter the family information into the database and assign the child when intake is done by the provider. All data entry affecting assignments shall be entered correctly and as quickly as possible after placements or changes occur.

Once an assignment is “accepted” in the database, most changes in the payroll occur without further intervention by the eligibility staff. The child care subsidy System is programmed with the number of days to be paid for each month and with the rates for each type of service. Prior to running each month’s payroll, OSSE eligibility staff activates changes in the categories as needed to reflect the current age of each child (for example, from preschool to school age based on date of birth. When a termination date is entered into the database, the system will end the payment. Note: payment is made through and including the date entered for termination.

- (a) The *Child Care Payment Adjustment Authorization form* needs to be filled out by the DHS CCSD worker or OSSE Eligibility Monitor only in the following limited situations:
- (1) When an initial payment, change or termination is authorized late (effective prior to the current payroll period);
 - (2) When a change has been made in an assignment that requires explanation; for example, when the effective date of a change or termination date does not match the date in the computer; or
 - (3) To authorize non-traditional services.

800.3 PAYMENT ERRORS

Providers must review and reconcile monthly the pay statement against the attendance report submitted to OSSE to ensure the accuracy of each payment.

Discrepancies, whether in the form of an overpayment or underpayment, are to be reported to the attention of OSSE DEL by the provider. The “Payment Summary Error Report” must be completed to identify any errors. *See Appendix 12: Payment Summary Error Report Form.* OSSE reserves the right to deny payment for any discrepancies reported that are more than three (3) months old as well as any discrepancy that fails to meet the requirements for appropriate supporting documentation to verify the request.

An investigation will take place to confirm the need for a payment adjustment and the *Payment Adjustment Form* must be completed and approved by OSSE DEL Child Care Eligibility Monitor or a designee before being forwarded to the Accounts Payable Unit.

OSSE must review each Payment Adjustment form received and must check past payroll as appropriate to determine whether the overpayments or underpayments authorized are justified. OSSE staff shall compute the adjustment needed and enter any changes into the payroll program to be incorporated into the current payroll.

Children experiencing homelessness are provided a sixty (60) calendar day grace period in which to provide full documentation of eligibility. Provided the eligibility staff has established the child is experiencing homelessness and the eligibility workers has completed OSSE's Child Care Referral Form, child shall receive, and the provider shall be paid for, subsidized child care during the grace period. If, after full documentation is provided, the child experiencing homelessness is found to be ineligible, subsidized child care services shall be terminated pursuant to Section 700. Additionally, OSSE shall pay any amount owed to a child care provider for services provided as a result of the initial eligibility determination and payment made prior to the final eligibility determination shall not be considered an error or improper payment.

800.4 OVERPAYMENTS

Providers must review and reconcile monthly the pay statement against the attendance report submitted to OSSE to ensure the accuracy of each payment.

Overpayments are to be recovered regardless of the amount. Recovery may be achieved through deduction(s) from future checks in a plan agreed upon by OSSE based on the OSSE's Child Care Payment Recoupment Policy effective October 1, 2015.

800.5 UNDERPAYMENTS

Providers must review and reconcile monthly the pay statement against the attendance report submitted to OSSE to ensure the accuracy of each payment. Discrepancies must be reported immediately to OSSE DEL using the *Payment Summary Error Report form (Appendix 12)*.

Correction for underpayments shall be made in full by OSSE on the pay cycle following confirmation by OSSE DEL that monies are owed and computation confirmation of the amount to be paid by OSSE DEL staff. OSSE reserves the right to deny payment for any discrepancies reported that are more than three (3) months old or cross into another fiscal year budget, as well as any discrepancy that fails to meet the requirements for appropriate supporting documentation to verify the request.

It is the responsibility of all providers to carefully review their monthly pay statement and immediately report any discrepancies by way of the *Payment Summary Error Report form (Appendix 12)*.

800.6 RESPONSIBILITIES FOR ATTENDANCE REPORTING AND PAYMENT

- (a) Providers are reminded that compliance with all OSSE child care subsidy program policies and procedures is mandatory for continued participation as a provider in the program. Failure to perform any of the following is a violation of the requirements of the Child Care Subsidy Provider Agreement:

- (1) Failure to return the signed admission form to the DHS CCSD within thirty (30) days of the date that the child starts in the program;
 - (2) Failure to submit timely and accurate attendance reports;
 - (3) Failure to review and reconcile the attendance report with the payment received; or
 - (4) Failure to report payment errors timely (within one (1) month) whether overpayment or underpayment using the *Summary Error Report form* with appropriate supporting documents to OSSE DEL.
- (b) OSSE DEL shall take appropriate corrective action when a provider has more than two (2) violations of these requirements during any given agreement period. Corrective action may include mandatory re-training on provider reporting requirements, issuing a 'stop placement' order until the provider has demonstrated an understanding and compliance with attendance reporting requirements for at least three (3) consecutive months, or possible termination of the agreement.

800.7 HOLIDAYS

Payment shall be based upon the enrollment of eligible children in attendance during a given month. Licensed child care centers and licensed family child care home providers are paid for the following Holidays:

- (a) New Year's Day;
- (b) Birthday of Martin Luther King, Jr.;
- (c) Presidents Day;
- (d) District of Columbia's Emancipation Day;
- (e) Memorial Day;
- (f) Independence Day;
- (g) Labor Day;
- (h) Columbus Day;
- (i) Veterans Day;
- (j) Thanksgiving Day;
- (k) Christmas Day; and

- (1) January 20th during years there is a Presidential Inauguration.

800.8 STAFF DEVELOPMENT

DC allows a licensed child care center and a licensed family child care provider to be closed for five (5) days during each provider agreement year with full payment for staff development. Providers must give a thirty (30) day notice to and receive written approval from OSSE DEL for all non-government closings, including staff development. Twenty-one (21) clock hours of staff development is required for bronze tier level providers annually; twenty-seven (27) clock hours for silver tier level providers annually and thirty-three (33) clock hours for gold tier level providers annually.

800.9 SNOW AND INCLEMENT WEATHER DAYS

DC permits child care facilities to close whenever the District of Columbia Public Schools (DCPS) close due to inclement weather.

800.10 ATTENDANCE

- (a) Payment is made for each child enrolled under DHS CCSD or Level II provider authorization and for each day a child remains enrolled.
- (b) Payment will be authorized for the provider for any of the following absences:
 - (1) Five (5) days of unexcused absence per month before the payment is stopped for the balance of the month;
 - (2) Fifteen (15) days of excused absences in a month may be approved. Excused absences may include childhood diseases or injury, or family emergencies. Documentation of these situations must be provided to the child care provider and the provider must submit this documentation with their monthly attendance report as well as noting the reason on the attendance; or
 - (3) Fifteen (15) days of vacation annually during the period of eligibility.
- (c) The parent(s) or guardian(s) is expected to notify the licensed child care facility in writing of plans to be absent.
- (d) Payment termination is justified after five (5) days of unexcused absence and 15 days of excused absence.

SECTION 900 GLOSSARY OF KEY TERMS

This glossary contains definitions of key terms, concepts and acronyms used in this manual:

Applicant	The parent(s) or guardian(s) who makes initial application for subsidized child care.
CFSA	Child and Family Services Agency.
Child	An individual who is less than thirteen (13) years of age; or under nineteen (19) years of age with special needs.
Child Care	Care provided to an eligible child by an eligible child care provider.
Child Experiencing Homelessness	<p>A child who lacks a fixed, regular, and adequate nighttime residence and includes children and youths:</p> <ul style="list-style-type: none">(a) Sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason;(b) Living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations;(c) Living in emergency or transitional shelters (including DC transitional housing); are abandoned in hospitals; or are awaiting foster care placement;(d) In a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings;(e) Living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings;(f) Migratory children, as defined in section 1309 of the Elementary and Secondary Education Act of 1965 (20 USCS § 6399), who qualify as homeless because they live in circumstances described above; and(g) Unaccompanied youth, including youths who are not in physical custody of a parent or guardian, who qualify as homeless because they live in circumstances described above.
Co-payment	An amount determined to be the parent(s) or guardian(s) share of the daily cost of care and to be paid by the parent(s) or guardian(s)

	to the child care provider. Also referred to as the parent fee.
DHS	Department of Human Services.
DHS CCSD	Department of Human Services Child Care Services Division.
DOES	Department of Employment Services.
Eligibility Staff	The DHS CCSD staff or the Level II child care center staff person responsible for determining the child's eligibility for subsidized child care.
ESA	Economic Security Administration.
Family	A unit consisting of one or more adults and children related by blood, marriage, adoption or legal guardianship who reside in the same household.
Fraud	An offense committed by any person who obtains or attempts to obtain, or aids or abets any person, who pursuant to a scheme to deceive, knowingly falsifies, conceals or covers up a material fact or makes or uses any false statement, writing or document to obtain a benefit or payment to which the parent or provider would otherwise not be entitled. Overpayments are considered intentional if the parent or provider knowingly withheld or provided false information on matters affecting eligibility, benefits or a claim for services. A failure to disclose a material fact that results in obtaining or continuing to receive child care subsidy funds or services for which the parent or provider is not entitled. Recipient fraud includes, but is not limited to, the following: with the intent to deceive, withholding information regarding eligibility factors such as gross annual family income, number of family members, ages of family members, or the recipient's hours of employment or training; knowingly using child care services for an ineligible child; or failing to report any changes which would affect the child's eligibility for child care benefits (purposeful deception).
Gross Annual Family Income	The combined gross countable income of all family members living in the same household who are included for purposes of determining family size. Used to determine income eligibility and co-payments.
IEP	Individualized Education Plan.
IFSP	Individualized Family Service Plan.

Income Eligibility	A method for determining eligibility which is based on establishing that the applicant's gross family income is no more than the maximum income level allowable based on family size.
Infant and Toddler	A child birth to thirty-six (36) months of age.
Level II Providers	Child care center providers authorized to conduct initial eligibility determinations and redeterminations for families seeking child care subsidy under specified eligibility categories.
MIS	Management Information System.
Non-Temporary Change	Any cessation of work or attendance at a training or education program that exceeds 90 calendar days.
OSSE	Office of the State Superintendent of Education.
OSSE DEL	Office of the State Superintendent of Education, Division of Early Learning. Formerly the Office of Early Childhood Education (ECE).
Overpayment	The amount of money received over the correct payment to which the payee was not entitled.
Preschooler	For payment purposes, a child thirty-six (36) months of age or older, but less than five (5) years of age on or before September 30th of that year.
Provider	A licensed child development center, a licensed family child care home or expanded home, or a person approved as an in-home or relative caregiver.
Qualifying Activity	A qualifying activity shall include: <ul style="list-style-type: none"> (a) Employment (including through an agency or self-employed); (b) Job Search; (c) Training Program; (d) Work Experience Program; (e) Job Corps; (f) Teen or young adult parent in high school or G.E.D. Program (g) Student in Undergraduate Program; or (h) Summer School Program (including undergraduate program).

Recipient	An individual child who is determined eligible for and receives subsidized child care.
Resident Or Residence	In absence of the contrary, residence of a child shall be presumed to be the residency of the child’s parent(s) or guardian(s). The residence of a parent(s) or guardian(s) is where the person(s) has established a physical presence, the actual occupation and inhabitation of a place of abode with the intent to dwell for a continuous period of time.
School-Age Child	A child five (5) years of age on or before September 30 th of that year through the age of twelve (12) or under the age of nineteen (19) if the child has a disability.
Special Needs	Conditions or characteristics of a child under the age of 19 that reflect a need for particular care, services or treatment, most commonly physical and/or mental disabilities and/or delays and is evidence by IFSP or IEP.
Subsidized Child Care	Child care provided in a licensed child development facility, a relative child care home, or in a child’s home for fewer than 24 consecutive hours a day for which the government provides reimbursement to the provider.
TANF	Temporary Assistance to Needy Families, as defined in the District of Columbia Public Assistance Act of 1982, as amended, effective April 6, 1982 (D.C. Law 4-101; D.C. Official Code Section 4-201.1 <i>et seq.</i>).
TANF Payee	A guardian(s) or custodian(s) who is providing care to child who is not their natural child and receiving financial assistance through ESA on behalf of the child.
TANF Vendor	An organization contracted with ESA to provide job training and job placement for TANF recipients.
Teen or Young Adult Parent	A parent under the age of 26 years old.
Temporary Change	A temporary change shall include any of the following: <ul style="list-style-type: none"> (a) Any time limited absence from work for employed parent or guardian due to reasons such as need to care for a family member or an illness; (b) Any interruption in work for a seasonal worker who is not working between regular industry work seasons;

- (c) Any student holiday or break for a parent or guardian participating in training or education ;
- (d) Any reduction in work, training or education hours to less than twenty hours per week, as long as the parent or guardian is still working or attending training or education;
- (e) Any other cessation of work or attendance at a training or education program that does not exceed ninety (90) calendar days;
- (f) Any change in age, including turning thirteen (13) years old during the eligibility period; and
- (g) Any change in residency within the District of Columbia.

Underpayment

A payment received by a provider which is less than the allowable amount owed for service provided in accordance with a particular child care agreement.

Vulnerable Child

For the purposes of eligibility:

- (a) A child with special needs;
- (b) A child experiencing homelessness;
- (c) A child in foster care;
- (d) A child of an adult with disabilities; or
- (e) A child of recipients of vocational rehabilitation services.